UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,442	08/26/2003	Go Shirouzu	Q77148	1641

23373 7590 03/07/2007		EXAMINER	
SUGHRUE MION, PLLC		KIM, JUNG W	
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SUITE 800		ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037		2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/647,442	SHIROUZU, GO
	Examiner	Art Unit	
	Jung Kim	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>see enclosed</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are pending.

Information Disclosure Statement

2.   The IDS submitted on 1/13/2004 has been considered. An initialed copy is

enclosed.

Claim Objections

3.   Claim 9 is objected to under 37 CFR 1.75(c). Claim 9 is listed twice in the

claims.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-9 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Nakanishi et al. USPN 7,080,259 (hereinafter Nakanishi).

6.   As per claim 1, Nakanishi discloses an encryption data recording method (fig. 13

and col. 20:18-54) comprising the steps of: a data writing step writing encryption data in

at least one of recording media, using a data recording system with a plurality of the

recording media (fig. 13, reference nos. 110 and 122); a key data dividing step dividing

key data of said encryption data into a plurality of key data elements (fig. 13, reference

no. 134); and a key data element storing step separately storing divided each key data

element in a plurality of the recording media. (fig. 13, reference nos. 113 and 123)

7.   As per claim 2, Nakanishi further discloses an encryption data reproducing

method which reproduces encryption data recorded with an encryption data recording

method according to claim 1, the reproducing method (fig. 13 and col. 20:55-21:35)

comprising the steps of: a data reading step reading encryption data written in at least

one of plurality of recording media (fig. 13, reference nos. 110, 122 and 133; col. 12:55-

58); a key data element reading step reading all said key data elements from said

recording media in which a plurality of key data elements obtained by dividing key data

of said encryption data are separately stored (fig. 13, reference nos. 110, 122; col.

12:55-58); and a decrypting step producing said key data based on said key data

elements and decrypting said encryption data using the key data. (fig. 13, reference

nos. 105, 135; col. 20:58-21:3)

8.   As per claim 3, Nakanishi discloses an encryption data recording method

comprising the steps of: a data writing step writing encryption data in part of recording

media, using a data recording system with a plurality of recording media; and a key data storing step storing key data of said encryption data in any one of other recording media. (fig. 13 and col. 20:18-54)

9.   As per claim 4, Nakanishi further discloses an encryption data reproducing method which reproduces encryption data recorded with an encryption data recording method according to claim 2, the reproducing method comprising the steps of: a data reading step reading encryption data written in at least one of plurality of recording media; and a decrypting step reading said key data from any one of other recording media in which key data of said encryption data is stored and decrypting said encryption data, using the key data. (20:49-21:3)

10.   As per claim 5, Nakanishi discloses an encryption data recording system comprising: a drive which writes encryption data in a plurality of recording media and said recording medium; a key data element storing unit which is provided with each said recording medium and stores key data elements into which key data of said encryption data is divided; and a control mechanism comprising the steps of producing said encryption data and writing said encryption data in at least one of plurality of said recording media by said drive, and producing a plurality of the key data elements by dividing key data of said encryption data, and separately storing divided each key data element in each key data element storing unit. (fig. 13 and col. 20:18-54)

11.   As per claim 6, Nakanishi further discloses an encryption data reproducing

system which reproduces encryption data recorded by an encryption data recording

system according to claim 5, the reproducing system comprising: a drive which reads

encryption data from a plurality of recording media and said recording medium; a key

data element storing unit which is provided with each said recording medium and stores

key data elements into which key data of said encryption data is divided; and a control

mechanism comprising the steps of reading said encryption data written in said

recording medium by said drive and reading all said key data elements separately

stored in said each key data element storing unit, and producing the key data based on

the read each key data element and decrypting said encryption data using the key data.

(fig. 13 and col. 20:55-21:35)

12.   As per claim 7, Nakanishi discloses an encryption data recording system

comprising: a drive which writes encryption data in a plurality of recording media and

said recording medium; a key data element storing unit which is provided with each said

recording medium and stores key data of said encryption data; and a control

mechanism comprising the steps of producing said encryption data and writing said

encryption data in part of plurality of said recording media by said drive, and storing said

key data in said key data storing unit of any one of other recording media. (fig. 13 and

col. 20:18-54)

13.   As per claim 8, Nakanishi further discloses an encryption data reproducing

system which reproduces encryption data recorded by an encryption data recording

system according to claim 7, which the reproducing system reproduces the encryption

data recorded in part of plurality of recording media using key data stored in any one of

other recording media, the reproducing system comprising: a drive which reads from

said recording medium, and a key data element storing unit which is provided with said

recording medium and stores the key data of said encryption data; and a control

mechanism comprising the steps of reading said encryption data written in said

recording medium by said drive and reading the key data stored in said key data

element storing unit, and decrypting said encryption data using the key data. (fig. 13

and col. 20:55-21:35)

14.   As per claims 13-16, Nakanishi further discloses said recording medium is a

magnetic disk. (col. 30:41-47)

15.   As per claims 17-20, Nakanishi further discloses said recording medium is an

optical recording disk. (col. 30:41-47)

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nakanishi.

18.   As per claims 9-12, the rejections of claims 5-8 as being anticipated by Nakanishi

are incorporated herein. Although Nakanishi does not expressly disclose that the

recording medium is a magnetic tape, Nakanishi discloses that the storage medium

includes such mediums such as magnetic disc, magneto-optical disc, ROM, DVROM or

the like. It is notoriously well known in the art that magnetic tape is one of the primary

storage mediums for computer data. It is further notoriously well known to use magnetic

tape over other types of storage mediums because of its low cost. Examiner takes

Official notice of this teaching. Therefore, it would be obvious to one of ordinary skill in

the art at the time the invention was made to modify the invention of Nakanishi such that

the storage medium is magnetic tape. One would be motivated to do so because of the

low cost of magnetic tape compared with other storage mediums as known to one of

ordinary skill in the art. The aforementioned cover the limitations of claims 9-12.

Conclusion

19.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See enclosed PTO-892.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jk
March 2, 2007

Benjamin E. Lanier
Examiner   AU 2132